



DEPARTMENT OF THE NAVY

NAVAL SURFACE WARFARE CENTER
PORT HUENEME DIVISION
4363 MISSILE WAY
PORT HUENEME, CA 93043-4307

5720
Ser 082
Sept. 22, 2017

VIA ELECTRONIC EMAIL

Ms. Linda Saccullo
Sales Assistant
Centroid, Inc.
E. 111 Ames Ct.
Plainview, NY 11803
linda.saccullo@centroidinc.com

Dear Ms. Saccullo:

SUBJECT: FREEDOM OF INFORMATION ACT CASE DON-NAVY-2017-010856

This is a final response to your May 9, 2017 Freedom of Information Act (FOIA) request in which you seek a copy of Department of Navy technical Drawing Numbers 5190738 and 7102624.

A search of Naval Surface Warfare Center, Port Hueneme Division files and knowledgeable personnel were able to identify and locate the requested drawings.

I considered your request under the FOIA (5 U.S.C. § 552), as amended, and the Secretary of the Navy Instruction 5720.42F. After careful review of the requested records, I determined that the requested drawings are prohibited from disclosure under FOIA exemption (b)(3). The requested drawings are each marked with Distribution Statement D and restricted by the Arms Export Control Act.

FOIA Exemption 3 requires the withholding of information prohibited from disclosure by another statute provided that the statute "(A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld." 5.U.S.C. § 552(b)(3).

Title 10 U.S.C. § 130 and the Department of Defense implementing directive, DoDD 5230.25, prohibit disclosure of technical data with military or space application in the possession of, or under the control of, the Department of

Defense, if such data may not be exported lawfully outside of the United States without proper approval, authorization, or license under the Arms Export Control Act.

You have requested technical data that (1) would require approval, authorization, or license for export under the Arms Export Control Act (22 U.S.C. § 2751, *et seq.*) and (2) would disclose critical technology with military or space application. The technical data subject to your request is marked with "Distribution Statement D. Distribution authorized to Department of Defense (DoD) and U.S. DoD contractors only;" The data is also marked "Restricted by the Arms Export Control Act (Title 22, U.S.C., Sec. 2751, *et seq.*) or Executive Order 12470." The release of this information to the public could have a significant adverse effect on the security of information and technical data that advance current technology in an area of potentially significant military application. Accordingly, since this information is prohibited from public disclosure under 10 U.S.C. § 130, I am denying your FOIA request under exemption (b)(3).

I am the official responsible for the denial of your request. You may submit a written administrative appeal of my decision to the following address:

The Office of General Counsel
Department of the Navy
Attn: FOIA/PA Appeals Office
1000 Navy Pentagon, Room 5A532
Washington, D.C. 20350-1000

Your appeal must have a copy of this letter enclosed and must be received by the General Counsel within 90 calendar days from the date of this letter. Please add the words "Freedom of Information Act Appeal" to both your administrative appeal and to the envelope. Also include your original request and a statement as to why your appeal should be granted. Send a copy of your letter to the following address:

The Office of General Counsel (Code 00L)
Naval Surface Warfare Center, Port Hueneme Division
4343 Missile Way, Port Hueneme CA, 93043

As an alternative to filing an appeal, you may seek Alternative Dispute Resolution. You may submit your request for

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ADR either to DONFOIA-PA@navy.mil or you can call the Navy FOIA Service Center at 202-685-0214 or via the following address:

Chief of Naval Operations (DNS-36)
Attn: FOIA/PA Service Center
C/O - Head, SECNAV/CNO FOIA/PA Program Office
2000 Navy Pentagon
Washington, DC 20350-2000

There are no assessable fees for processing your request as fees were below the threshold for requiring payment. However, fees are assessed on a case-by-case basis and you may be charged fees for future requests.

Sincerely,

A handwritten signature in black ink, appearing to be 'R. A. Acevedo', written over a horizontal line.

R. A. ACEVEDO
Captain, U.S. Navy
Commanding Officer